



SAN DIEGO COUNTY  
REGIONAL AIRPORT AUTHORITY  
**STAFF REPORT**

Item No.  
**5**

Meeting Date: **JANUARY 6, 2011**

**Subject:**

**Amend Authority Code 9.33 (Parking Regulations – Enforcement) to Attach State-Mandated Surcharges to Parking Violation Penalties and to Clarify Authority-Imposed Penalties for Airport Parking Violations**

**Recommendation:**

Adopt Resolution No. 2011-0003, amending Authority Code 9.33 to clarify enforcement of Authority parking regulations and to authorize the President/CEO to adopt procedures for the collection of state-mandated surcharges in accordance with current California statutes.

**Background/Justification:**

Authority Code 9.33 was adopted during the Authority's inception as part of Resolution No. 2002-02, dated September 20, 2002. The attached proposed revisions are intended to better articulate the Authority's legal authority to promulgate parking regulations, to more clearly state the penalties for violations of the Authority's parking regulations, and to authorize the President/CEO to adopt procedures and delegate authority related to the method for collecting legally-mandated surcharges or fees imposed pursuant to applicable state and municipal law so they will be collected in addition to the stated penalties.

The following subsections of Code 9.33 have been revised or added:

- 9.33(a) describes the applicable laws permitting the Authority to enact and appoint personnel to enforce parking regulations at San Diego International Airport ("Airport").
- 9.33(b) authorizes Airport Traffic Officers and others designated by the President/CEO to enforce parking regulations of the Authority Code, the California Vehicle Code and other applicable law. It also provides standards for the issuance of citations.
- 9.33(c) sets the penalties for Airport-specific parking violations. It more precisely articulates the Code section violated and corresponding penalty assessed.

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- 9.33(d) provides for the payment of fees and clarifies that, in addition to Airport-specific penalties, violation of applicable state or local laws shall also apply for parking violations on the Airport.
- 9.33(e) advises that the failure to pay the appropriate penalty or to contest the violation will result in an enforcement action in accordance with the California law.
- 9.33(f) has been added to authorize the President/CEO to adopt procedures and delegate authority for the collection of additional mandated surcharges or fees imposed pursuant to applicable state or municipal law.

Due to the small number of written violations issued each year, the City of San Diego serves as the processing agency for the Authority's parking citations. It performs this service for other small agencies as well.

Currently, the following State-mandated parking citation surcharges are embedded in the penalty collected for each violation of an Authority Code:

- \$5.00 to the Courthouse Construction and the Criminal Justice Facilities Construction Funds (beginning in 1993 under Government Code §§ 76000, 76100, and 76101)
- \$1.50 for a State Courthouse Facilities Construction Fund (beginning in 2003 under Government Code § 70372 (b))
- \$3.00 to the Immediate and Critical Needs Account (beginning in 2009 under Government Code §70372 (b), as amended)

Recently, the City of San Diego informed the Authority of a new additional \$3.00 surcharge for the Trial Court Fund. The surcharge is scheduled to be instituted sixty (60) days after the enactment of the Budget Act of 2010. This date is identified as December 7, 2010. The surcharge will remain in effect until July 1, 2013, when the fee sunsets under Cal. Gov. Code § 76000.3.

Since December 7, 2010, the total State-mandated surcharges added to parking penalties on the Airport totaled \$12.50. These various pass-through surcharges are submitted by the Authority (through the City of San Diego) to the County Treasurer, who then remits the surcharges to the State Treasurer for deposit into the various State funds identified above.

To date, the State-mandated surcharge has not been collected as a separate charge in addition to the parking code violation penalty. Instead, the surcharge has been deducted from the parking violation penalty. The City of San Diego has used this practice in processing the Authority's parking code violations and those of all other agencies utilizing the City to process violations.

On November 29, 2010, the San Diego City Council approved a change in its handling of parking citations directing that the State-mandated \$12.50 surcharge be collected *in addition* to the penalty for each parking violation. The new procedure commences December 7, 2010. According to the City, this change is necessary to effect the "intent of the State Legislature" and to be "consistent with the practices of other cities throughout the State." As the processing agency for Authority-issued citations, the City Treasurer's office contacted the Authority and requested that the Authority likewise permit the addition of state-mandated surcharges to penalties collected for parking code violations. The requested revisions to 9.33(f) permits the Authority to do so.

**Fiscal Impact:**

The requested amendment will add an additional \$12.50 in revenue to the Authority on each parking code citation that is processed when the penalty for the violation is paid.

**Environmental Review:**

- A. California Environmental Quality Act: This Board action is not a project that will have a significant effect on the environment as defined by the California Environmental Quality Act ("CEQA"), as amended. 14 Cal. Code Regs. §15378. This Board action is not a "project" subject to CEQA. Cal. Pub. Res. Code §21065.
- B. California Coastal Act: This Board action is not a "development" as defined by the California Coastal Act. Cal. Pub. Res. Code §30106.

**Equal Opportunity Program:**

Not applicable.

**Prepared by:**

BRET LOBNER  
GENERAL COUNSEL



RESOLUTION NO. 2011-0003

A RESOLUTION OF THE BOARD OF THE SAN DIEGO COUNTY REGIONAL AIRPORT AUTHORITY AMENDING AUTHORITY CODE 9.33 TO CLARIFY ENFORCEMENT OF AUTHORITY PARKING REGULATIONS AND AUTHORIZING THE PRESIDENT/CEO TO ADOPT PROCEDURES FOR THE COLLECTION OF STATE-MANDATED SURCHARGES IN ACCORDANCE WITH CURRENT CALIFORNIA STATUTES

WHEREAS, Authority Code 9.33 sets forth the jurisdiction and authorization for the Authority and designated Authority personnel to enforce Authority parking regulations and provides the penalties for parking violations; and

WHEREAS, the California Government Code mandates certain specified surcharges be assessed to each parking penalty imposed in California; and

WHEREAS, the legislature changes the amount and purpose of state-mandated surcharges from time to time; and

WHEREAS, the current version of Authority Code 9.33 does not provide for the collection of state-imposed surcharges in addition to parking violation penalties; and

WHEREAS, the optimum mechanism to provide for collection of state-imposed surcharges in addition to parking violation penalties is to amend Code 9.33 to authorize the President/CEO to adopt procedures for the collection of surcharges in accordance with current California statutes; and

WHEREAS, additional revisions of Code 9.33 are appropriate to provide language to more clearly set forth: (1) the Authority's jurisdiction to enforce parking regulations, (2) the authority of Airport Traffic Officers and other designated Authority personnel to enforce Authority parking regulations, and (3) the pecuniary penalty for violation of each of the Authority's parking regulations; and

WHEREAS, this Board action is not a project that will have a significant effect on the environment as defined in the California Environmental Quality Act (CEQA), as amended, and does not constitute a "project" as defined in CEQA. [Cal. Pub. Res. Code §21065; 14 Cal. Code of Regs. §15378]; and

WHEREAS, this Board action is not a "development" as defined by the California Coastal Act. [Cal. Pub. Res. Code §30106].

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NOW, THEREFORE, BE IT RESOLVED that the Board hereby amends Authority Code 9.33 (Attachment A) clarifying enforcement of Authority parking regulations and authorizing the President/CEO to adopt procedures for the collection of state-mandated surcharges in accordance with current California statutes.

BE IT FURTHER RESOLVED that the Board hereby ADOPTS the above recitals for incorporation in this resolution.

PASSED, ADOPTED, AND APPROVED by the Board of the San Diego County Regional Airport Authority at a regular meeting this 6<sup>th</sup> day of January, 2011, by the following vote:

AYES: Board Members:

NOES: Board Members:

ABSENT: Board Members:

ATTEST:

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TONY R. RUSSELL  
DIRECTOR, CORPORATE SERVICES/  
AUTHORITY CLERK

APPROVED AS TO FORM:

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BRETON K. LOBNER  
GENERAL COUNSEL

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## SAN DIEGO COUNTY REGIONAL AIRPORT AUTHORITY

## CODES

- ARTICLE 9 - SAN DIEGO INTERNATIONAL AIRPORT  
 PART 9.3 - LANDSIDE OPERATIONS  
 SECTION 9.33 - PARKING REGULATIONS — ENFORCEMENT

(a) Jurisdiction. The San Diego County Regional Airport Authority (“Authority”) is authorized pursuant to §§~~Section~~ 21100 and 22500 *et seq.* of the California Vehicle Code, §~~Section~~ 170016 of the California Public Utilities Code, and other applicable law to enact and appoint personnel to enforce parking regulations at the San Diego International Airport (“Airport”).

(b) Authorization. ~~Pursuant to applicable law, (a) Every Airport Traffic authorized Officers (“ATOs”) and every other Authority personnel designated by the President/CEO that are or employees of the San Diego County Regional Airport Authority (the “Authority”) who is authorized and assigned to the enforcement of provisions of the Authority’s codes, is Code applicable section of , the California Vehicle Code, and other applicable laws relating to illegal parking and related violations , the provisions of the California Vehicle Code, and other laws of the State of California applicable to parking violations within the jurisdiction of the Authority are, is authorized shall have the duty, when any vehicle is illegally parked, to issue written notices of violation thereof stating the state vehicle license number, make of such vehicle, the time and date of such illegal parking, meter number, street location and reference to the appropriate section of this Code violated together with and fixing a time and place for appearance by the registered owner to answer said notice. Such notice shall be attached to said vehicle either on the steering post or front door handle thereof or in such a other conspicuous place upon the vehicle so as to be easily observed by the person in charge of such vehicle upon his his or her return thereto.~~

(c) Penalty. For the purposes of regulating the use and safety of streets, parking and traffic ~~thereon~~ and as a deterrent to illegal parking, the following penalties~~fees~~ are established:

<u>Type Violation</u> <u>Violation</u>	<u>Authority Code</u> <u>Section(s)</u>	<u>Penalty Within</u>		
		<u>30 Days of</u> <u>Issuance</u>	<u>After 30</u> <u>Days</u>	<u>After 65</u> <u>Days</u>
Out-of-Stall	<del>{9.32(a); 9.34(e)}</del>	\$ 35.00	\$ 70.00	\$ 80.00
	<del>{9.32(a); 9.34(e)}</del>			

<u>Type Violation</u> <u>Violation</u>	<u>Authority Code</u> <u>Section(s)</u>	<u>Penalty Within</u>		
		<u>30 Days of</u> <u>Issuance</u>	<u>After 30</u> <u>Days</u>	<u>After 65</u> <u>Days</u>
<u>Unauthorized Airport</u>	<del>9.30(e); 9.30(f);</del>	<del>\$ 67.00</del>	<del>\$ 134.00</del>	<del>\$144.00</del>
<u>Parking</u>	<del>9.30(n); 9.34(a);</del>	<del>67.00</del>	<del>\$ 134.00</del>	<del>\$144.00</del>
	<del>9.34(c);</del>			
	<del>9.34(e); 9.30(f); 9.34(a);</del>			
	<del>9.34(e);</del>			
	<del>9.34(d); 9.34(f);</del>			
	<del>9.34(k);</del>			
<u>Posted Signs or Curb</u> <u>Markings (Other Than Red</u> <u>Zones)</u>				
<u>No Valid Employee Lot</u>	<del>9.34(l)</del>	<del>\$ 35.00</del>	<del>\$ 70.00</del>	<del>\$80.00</del>
<u>Permit</u>		<del>670.00</del>	<del>\$</del>	<del>\$</del>
<del>9.34(l)</del> <u>Red Zones</u>			<del>13420.00</del>	<del>14430.00</del>
<u>Unauthorized Airport Parking</u>		<del>\$ 67.00</del>	<del>\$ 134.00</del>	<del>\$144.00</del>

(d) Payment of Penalties Fees. The owner or operator of a cited~~said~~ vehicle for a parking code violation may elect to mail the applicable~~said~~ fees~~penalties~~ within the time established for payment thereof in accordance with the information specified in the notice of violation; provided, however, said owner or operator shall be and remain responsible for the delivery and payment thereof. the

(~~ede~~) Failure to Pay. Failure to pay the appropriate penalty~~fee~~ as provided herein or failure to contest the violation in accordance with the information specified in the notice of violation will result in proceeding against the registered owner and or the vehicle operator for violation of the appropriate cCode s~~Section~~ in accordance with the provisions of § Section~~40220~~ of the California Vehicle Code.

(~~fe~~) State Mandate~~Applicable~~ Surcharges. The President/CEO is authorized to adopt procedures and delegate authority for the collection of additional mandated surcharges or fees imposed pursuant to applicable state or municipal law.

[Resolution No. 2002-02 dated September 20, 2002.]

[Supceded by Resolution No. \_\_\_\_\_ dated \_\_\_\_\_.]

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**SAN DIEGO COUNTY REGIONAL AIRPORT AUTHORITY**

**CODES**

- ARTICLE 9 - SAN DIEGO INTERNATIONAL AIRPORT**
  - PART 9.3 - LANDSIDE OPERATIONS**
  - SECTION 9.33 - PARKING REGULATIONS - ENFORCEMENT**
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(a) Every authorized officer or employee of the San Diego County Regional Airport Authority (the “**Authority**”) who is authorized and assigned to the enforcement of provisions of this Code relating to illegal parking, the provisions of the California Vehicle Code, and other laws of the State of California applicable to parking violations within the jurisdiction of the Authority, shall have the duty, when any vehicle is illegally parked, to issue written notice of violation thereof stating the state vehicle license number, make of such vehicle, the time and date of such illegal parking, meter number, street location and reference to the appropriate section of this Code and fixing a time and place for appearance by the registered owner to answer said notice. Such notice shall be attached to said vehicle either on the steering post or front door handle thereof or in such other conspicuous place upon the vehicle as to be easily observed by the person in charge of such vehicle upon his return thereto.

(b) For the purpose of regulating the use of streets and traffic thereon and as a deterrent to illegal parking, the following fees are established:

Violation	Within 30 Days of Issuance	After 30 Days	After 65 Days
Out-of-Stall	\$ 35.00	\$ 70.00	\$ 80.00
Signs or Curb Markings Other Than Red Zones	\$ 67.00	\$ 134.00	\$144.00
Red Zones	\$ 60.00	\$ 120.00	\$130.00
Unauthorized Airport Parking	\$ 67.00	\$ 134.00	\$144.00

The owner or operator of said vehicle may elect to mail said fees within the time established for payment thereof in accordance with the information specified in the notice of violation; provided, however, said owner or operator shall be and remain responsible for the delivery thereof.

(c) Failure to pay the appropriate fee as provided herein or failure to contest the violation in accordance with the information specified in the notice of violation will result in proceeding against the registered owner and or the vehicle operator for violation of the appropriate Code Section in accordance with the provisions of Section 40220 of the California Vehicle Code.

[Resolution No. 2002-02 dated September 20, 2002.]

[Superceded by Resolution No. \_\_\_\_\_ dated \_\_\_\_\_.]